

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FILED

Criminal Minute Order

JUL 29 2008

**The Honorable Claudia Wilken, Presiding**  
**Clerk: Sheilah Cahill**  
**Court Reporter: Lee-Anne Shortridge**  
**Date: 7/23/08**

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

**Plaintiff:** United States

v.

**No.** CR-07-00793 CW  
CR-00-40120 CW

**Defendant:** Jose Jesus Martinez (present - in custody)

**Appearances for Plaintiff:**  
Christine Wong

**Appearances for Defendant:**  
Chris Cannon

**Probation Officer:**  
Connie Cook

**Hearing: Sentencing**

**Notes:** Defendant and attorney have read PSR; no factual disputes. Court finds Offense Level 31, Criminal History VI, leading to a Guideline Range of 188-235 months. Court finds Grade A violation, Criminal History V, leading to a Guideline Range of 30-37 months for the supervised release violation. Pursuant to the Plea Agreement and considering 3553 factors the Court sentences the defendant to 120 months on Counts 4 and 5 to run concurrent and 30 months on the supervised release violation to run consecutive for a total of 150 months, to be followed by 5 years supervised release on each count to run concurrent under the usual terms and conditions and the special conditions as set forth in the PSR. No fine imposed due to lack of ability to pay a fine. Defendant to pay \$200 special assessment due immediately and shall be paid through the defendant's participation in the Bureau of Prisons' Inmate Financial Responsibility Program at the rate of \$25 per quarter. Any remaining counts are dismissed. Court will recommend participation in the BOP's RDAP program. Defendant remanded to custody of U.S. Marshal. See J&C for details.

Copies to: Chambers